

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**AMERICAN TAXI DISPATCH, INC.,
an Illinois corporation,**

Plaintiff,

V.

**AMERICAN METRO TAXI
& LIMO CO,**
an Illinois corporation,

Defendant.

Case No.: 07 C 2602

Judge Amy St. Eve

Magistrate Judge Cole

INITIAL STATUS REPORT

NOW COME the Parties, Plaintiff, American Taxi Dispatch, Inc. and Defendant American Metro Taxi & Limo Co., through their respective attorneys, and in furtherance of Rule 16 of the Federal Rules of Civil Procedure hereby proffer the Report of Parties Planning Meeting as instructed by this Court's Case Management Procedures.

I. INTRODUCTION

1. On September 6, 2007, at 1:21 p.m., counsel for the Parties conferred telephonically pursuant to Rule 26(f) of the Federal Rules of Civil Procedure. Plaintiff American Taxi Dispatch, Inc. was represented by

David C. Thollander
The Thollander Law Firm
1048 Ogden Avenue, Suite 200
Downers Grove, Illinois 60515

Defendant American Metro Taxi & Limo Co. was represented by

Ian M. Burns
Law Offices of Mark D. Belongia, LLC
53 West Jackson Blvd., Suite 315
Chicago, Illinois 60604

A. NATURE OF THE CASE AND STATEMENT OF JURISDICTION

1. The complaint is for trademark infringement and unfair competition pursuant to 15 U.S.C. §1051, *et. seq.*; common law unfair competition; deceptive trade practices pursuant to the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS 510/1, *et seq.*; and violations of the Illinois Consumer Fraud and Deceptive Trade Practices Act, 815 ILCS 505/1, *et seq.*, and common law claims. This Court has subject matter jurisdiction over the federal trademark infringement and unfair competition pursuant to 28 U.S.C. §§1331, 1338 and 1367. Defendant is doing business within this judicial district, subjecting them to jurisdiction in this judicial district and making venue proper in this district pursuant to 28 U.S.C. §1391. This Court has supplemental jurisdiction over the Illinois state law claims pursuant to 28 U.S.C. §1367 in that the state law claims form part of the same controversy as the claims arising under the trademark laws of the United States.

2. Plaintiff, American Taxi Dispatch, Inc. is seeking injunctive relief and monetary damages adequate to compensate it for alleged past infringement consistent with 15 U.S.C. §§1114 and 1117, up to and including treble the amount of actual damages assessed, together with attorneys' fees, costs and prejudgment interest. The amount of actual damages cannot be presently ascertained but discovery on this issue will be pursued.

3. Defendant has answered the Complaint, denying any wrongdoing.

4. There are no pending motions.

5. There are no additional parties that have not been served.

6. The principal legal issues at present are:

a. Whether "American Taxi" is a protectable mark;

- b. If “American Taxi” is a protectable mark, whether Defendant’s use of the words “American” and “Taxi” infringes the federal and common law trademark rights of American Taxi;
- c. Whether American Taxi has a protectable trade dress;
- d. Whether Defendant’s trade dress infringes the federal and common law trademark rights of American Taxi inherent in its registered trademarks and its trade dress; and
- e. The Parties, individually and collectively, reserve the right to identify additional primary legal issues as discovery continues and/or additional claims and counterclaims are filed.

7. The principal factual issues are whether Defendant’s use of the words “American” and “Taxi” and its trade dress has caused either actual confusion or a likelihood of confusion with that of American Taxi; if Defendant infringed the rights of American Taxi, whether Defendant did so willfully; a determination of damages, if any, and whether American Taxi failed to mitigate its damages; and, if American Taxi is entitled to attorney’s fees, the amount of such attorneys’ fees.

B. PREPARATION OF DRAFT SCHEDULING ORDER

- 1. Initial disclosures pursuant to Rule 26(a)(1) are due September 17, 2007.
- 2. All amendments to the pleadings and joinder of parties shall be completed by November 30, 2007.
- 2. All non-expert fact discovery shall be completed by January 31, 2008.
- 3. Expert discovery shall not begin until the close of fact discovery and shall be completed by April 1, 2008. There shall be simultaneous exchange of expert reports by parties having the burden of proof on the particular issue by May 30, 2008.

4. Dispositive pretrial motions will be presented with a proposed briefing schedule by June 30, 2008.

5. The Final Pretrial Order shall be completed by July 30, 2008.

C. TRIAL STATUS

1. A jury trial has been requested.

2. The Parties anticipate a trial will last 7 days.

D. CONSENT TO PROCEED BEFORE A MAGISTRATE JUDGE

1. The Parties do not consent to proceed before a Magistrate Judge.

E. SETTLEMENT STATUS

1. None at this time.

2. The Parties agree that a settlement conference with Judge St. Eve or Magistrate Judge Cole may be helpful.

Date: September 6, 2007

The Thollander Law Firm
on behalf of Plaintiff

By: /s/ David C. Thollander
David C. Thollander

Law Offices of Mark D. Belongia, LLC
on behalf of Defendant

By: /s/ Ian M. Burns
Ian M. Burns

The Thollander Law Firm
1048 Ogden Avenue, Suite 200
Downers Grove, Illinois 60515
(630) 971-9195 (voice)
(630) 971 – 9240 (facsimile)
A.R.D.C. 6202012